

REMARKS

The present application was filed on March 12, 2004 with claims 1-22. Claims 1-22 are currently pending in the application. Claims 1 and 17-19 are the independent claims.

Claim 18 is rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 1, 3, 5, 8-10, 13, 14, 16-19, 21 and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 7,197,045 (hereinafter “Amit”).

Claims 2, 4, 6, 7, 11, 12, 15 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Amit in view of other references.

In this response, Applicants traverse the §101, §102(b) and §103(a) rejections, and amend claim 18. Applicants respectfully request reconsideration of the present application based on the amendments and remarks herein.

Applicants initially note that the Amit reference is not available as a §102(b) reference, as its publication date of March 27, 2007 is subsequent to the filing date of the present application. Once again, Applicants will proceed under the assumption that the Examiner intended to issue an anticipation rejection under 35 U.S.C. §102(e).

With regard to the §101 rejection, Applicants respectfully traverse. Independent claim 18 as originally filed recited an article of manufacture comprising a machine-readable storage medium storing one or more software programs that, when executed, implement one or more steps producing a useful, concrete and tangible result. Such a claim is believed to recite statutory subject matter. See, e.g., In re Beauregard, 53 F.3d 1583; 35 USPQ2d 1383 (Fed. Cir. 1995); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Notwithstanding the traversal, Applicants have amended independent claim 18 without prejudice, solely in order to expedite prosecution of the application by conforming to the subjective preference indicated by the Examiner.

With regard to the anticipation rejection, MPEP §2131 specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d

1913, 1920 (Fed. Cir. 1989). For the reasons identified below, Applicants submit that the Examiner has failed to establish anticipation of claims 1, 3, 5, 8-10, 13, 14, 16-19, 21 and 22 by Amit.

Independent claim 1 is directed to a processor comprising at least a portion of a first split transmit and receive media access controller, where the split transmit and receive media access controller has a transmit unit and a receive unit physically separated from one another. An interface for directing signals between the transmit unit and the receive unit of the first split transmit and receive media access controller is configurable to multiplex the signals with signals directed between a transmit unit and a receive unit of at least a second split transmit and receive media access controller.

It is important to note that the claim specifically refers to both a first split transmit and receive media access controller, and a second split transmit and receive media access controller. Thus, there are two distinct split media access controllers expressly recited in the claim. Moreover, the claim calls for an interface that multiplexes signals associated with the first split media access controller with signals associated with the second split media access controller. As will be described below, the Amit reference relied upon by the Examiner clearly fails to meet these limitations of independent claim 1.

The Examiner in formulating the anticipation rejection of claim 1 relies primarily on FIG. 6 of Amit and the teachings in column 2, lines 28-33 and 43-47. See the Office Action at page 3, section 8, second paragraph. However, these portions of Amit disclose only a single split media access controller, and no multiplexing of signals of a first split media access controller with signals of a second split media access controller. For example, with reference to FIG. 6 of Amit, it is indicated in column 5, lines 30-33, that Base MAC 338 is part of a single split MAC and corresponds to transmitter MAC 138 of FIG. 4, and it is indicated in column 5, lines 40-43, that Base MAC 340 is part of the same split MAC and corresponds to receiver MAC 140 of FIG. 4. This is further apparent from column 4, lines 6-13, which indicates that the transmitter MAC 138 and receiver MAC 140 of FIG. 4 are part of a single split MAC. See also column 2, lines 34-42, which describes only a single split MAC comprising “a first MAC function” associated with one or more receivers and “a second MAC function” associated with one or more transmitters. The first and

second MAC functions referred to in this portion of Amit are clearly receive and transmit portions of a single split MAC.

The Examiner further argues that the recited interface is met by the switch 352 shown in FIG. 6 of Amit. However, as indicated above, elements 340 and 348 of FIG. 6 are elements of a single split MAC.

Thus, it is readily apparent that FIG. 6 of Amit fails to disclose the recited second split transmit and receive media access controller, and accordingly fails to disclose the recited interface that multiplexes signals associated with the first split media access controller with signals associated with the second split media access controller.

Applicants further note that the recited interface of claim 1 is specifically described in the claim as being for directing signals between the transmit unit and the receive unit of the first split media access controller. It is clear from the description of the operation of switch 352 at column 6, lines 41-50, of Amit that the switch 352 does not direct signals between Base MAC 340 and Base MAC 338 of the single split MAC. To the contrary, this portion of Amit indicates that switch 352 directs downstream data “directly from . . . port 346 to the transmitter 334” and directs upstream data “directly from the receiver 336 to [port] 346.” Accordingly, the switch 352 is not an interface of the type recited in claim 1.

For the above reasons, it is respectfully submitted that the Amit reference fails to meet the limitations of independent claim 1.

Independent claims 17-19 are believed patentable for reasons similar to those outlined above with regard to claim 1.

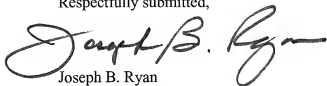
Notwithstanding the traversal, Applicants have made minor amendments to claims 1 and 19 to clarify the manner in which the interface is configured.

With regard to the §103(a) rejections, the additional cited references fail to supplement the fundamental deficiencies of Amit as applied to the independent claims.

Dependent claims 2, 4, 6, 7, 11, 12, 15 and 20 are therefore believed to be patentable over Amit and the other cited art.

In view of the foregoing, claims 1-22 are believed to be in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" and last name "Ryan" clearly legible, and a middle initial "B." in between.

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